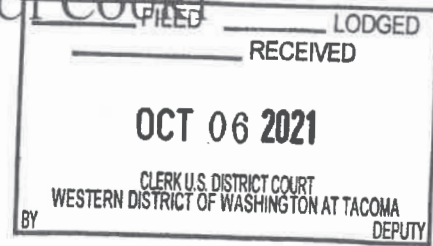


UNITED STATES DISTRICT COURT

for the



Alexander Roy Sinclair
Petitioner

v.

John P. Fairgrieve
Respondent

(name of warden or authorized person having custody of petitioner)

Case No. 21-cv-5744-MJP-MLP
(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Alexander Roy Sinclair
(b) Other names you have used: N/A
2. Place of confinement:
(a) Name of institution: CLARK County Jail
(b) Address: P.O. Box 1147, Vancouver, WA.
(c) Your identification number: CFN# 240359
3. Are you currently being held on orders by:
☐ Federal authorities ☒ State authorities ☐ Other - explain:
4. Are you currently:
☒ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☐ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

- ☐ Pretrial detention
☐ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings

☒ Other (explain): Due process violations, on speedy trial right A.C.W. 10.77.06d(5) and cruel and unusual punishment in conditions, for involuntary injection the third time by force in jail, on hearing done w/o defendant present or knowledge of it, because of court room parties w/ judge to agreement not about transportation for all three cases being pass 14 or 21 day against my rights.

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: CLARK County Superior Courthouse, 1300 Franklin St., Vancouver, WA. 98661
 (b) Docket number, case number, or opinion number: 20-1-00837-06
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

The Judge had made an decision involuntary injection w/ force that were excessive third done to me, in an hearing w/o me and not knowing about it, the parties was there were civil prosecutor w/ I.A.C, defense counsel. I was in illegal un-habitable unit waiting for transport, to the W.A.C. don't allow in counties on decision made violation on all three case.

- (d) Date of the decision or action: August 5th, 2020

Your Earlier Challenges of the Decision or Action

7. First appeal

Did you appeal the decision, file a grievance, or seek an administrative remedy?

- ☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not appeal: _____

8. Second appeal

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

- ☐ Yes ☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes

☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes

☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

(a) Date you were taken into immigration custody: _____

(b) Date of the removal or reinstatement order: _____

(c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. **Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes

☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: *The civil prosecutor went to that the judge bias and prejudice against African-Americans and would be granted. In knowingly violating due process conspiring another "excessive force" to be used as use of force instead to justify cruelty unfair and not reasonable due process in federal 8th and 14th bill of rights to court order without the Washington state seal on it.*

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground One in all appeals that were available to you?

☐ Yes

☒ No

GROUND TWO: *The judge did not uphold diligence and integrity in due process of Federal 6th and 14th bill of rights by not making it mandatory for the pretrial detainee to be present in the hearing, show bad faith in misjudgement to speedy trial rights violation cannot being picked up within 14 or 21 days by Western State Hospital is what hearing should of been about P.C. 11.10.77.060(5)*

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Two in all appeals that were available to you?

☐ Yes

☒ No

GROUND THREE: *By not considering the harm of assault in a jail of force involuntary injection the pretrial detainee have injuries and is part of Americans with Disabilities Act (A.D.A.) federal laws grants rights which apply to persons be denied. Jail Staff and Medical Staff is simply is not permitted to use involuntary injection in jail as they are not a psychiatric facility the W.A.C. does not enable to do so is cruel punishment and due process violation.*

(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Three in all appeals that were available to you?

☐ Yes

☒ No

GROUND FOUR: Failure on defense lawyer for not giving me an notice about the hearing was I.A.C. in misrepresentation on pretrial detainee been refused to notify the judge on record, he was in an sober tank/cold cell that blows cold air 24 hours tormented for months is torture, right by body scan x-ray machine, sleeping on the floor cell not for housing w/ radiation against health code is inhumane, cruel and unusual punishment, and due process violation to all cases.
(a) Supporting facts (Be brief. Do not cite cases or law.):

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes

☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: This my first appeal

Request for Relief

15. State exactly what you want the court to do: Get all the information, audio, and video on who was in court view the transcripts provide copy to pretrial detainee. And dismissal the case(s) for speedy trial right, cruel and unusual punishment, due process violation(s) or put all charge(s) to misdemeanor for conspiracy misconduct.

Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

October 3, 2021 Clark County Jail

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

10.3.2021



Signature of Petitioner

Signature of Attorney or other authorized person, if any

Alexander Roy Sinclair
Clark County Jail
P.O. Box 1147
Vancouver, WA. 98666

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| FILED | LODGED |
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| OCT 06 2021 | |
| CLERK U.S. DISTRICT COURT WESTERN DISTRICT OF WASHINGTON AT TACOMA | |
| BY | DEPUTY |

United States District Court
Attn: Clerk Office
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Tacoma, WA. 98402-3200